

## MAYOR LANE GRACIOUSLY SHOWS LEGISLATURE NEEDS OF HONOLULU

### Favors Merit System In Civil Service and Other Laws of Progressive Nature

(From Thursday Advertiser.)

Mayor John C. Lane was gracious in nothing else in his biennial report to the legislature. After dictating nine-hundred pages of manuscript of the city and county, past and present and future, his honor concluded with the presentation of the following twelve-dollars-a-dozen bouquet:

"Natural limitations forbid reference to much that has been accomplished in the past and to many matters requiring legislation. Some of these will be brought to your attention through other channels. Seldom have the legislatures been confronted with so important problems as now, but seldom have they met with brighter prospects of proving equal to the situation."

"Here are some of the things which the mayor brings to the attention of the legislature in his report:

"He says that the establishment of local government was one of the most far-reaching and important governmental changes ever made in Hawaii, but that in the seven years of its existence this government is still in its developing stage; that some would extend and some would check; that the question now is how to perfect; that the local government falls short of what it should be in comparison with results elsewhere."

#### City and County Elections

"He says that it is highly important that city and county elections should be held at different times from the territorial elections and that the advance of the city and county should be held in the spring it would make the city and county fiscal year correspond with that of the territory. He contends that if the elections were to be held in the fall that they should be held in alternate years."

"He paid his compliments to the primary law as follows: 'It is not intended to do away with parties, but on the contrary tends to knit each party more firmly together and increase its virility by arousing the interest of the members in it. It is designed to substitute the party leader for the irresponsible boss.'"

"If any in regard to the civil service system are so obvious that it ought not to be matter for argument. He points out that the law promotes efficiency by affording that sense of security and hope of promotion which enables officers to devote their undivided attention to their duties and inspires them to do their best that it helps to eliminate from politics the 'baneful influence of job-chasing and efforts at political control for political purposes.'"

"He suggests that the system could be improved, however, by improving the powers of the commission."

**Comments Fiscal Inquiry**  
"He commends steps which have been taken toward the solution of the financial problem by separating the territorial and county tax systems, declaring that this has resulted in large increase of revenues and terminated the 'demoralizing and wasteful influence of a common money bag.'"

"He points out with gratification that the net cash balance in the general and other funds of the city and county amounted to \$115,953.18 on December 31, 1914, an excess of \$11,853.67 over the previous year, but that this financial condition afforded no ground for 'optimistic recklessness on the part of the city and county in making appropriations.' He urged there was greater necessity than ever before of businesslike methods. He advises careful investigation and discrimination in expending of public funds, pointing out that the balance shows after a tax-paying period is not a true indication of what can be safely appropriated."

"On this same subject of finances he says regarding the cash balance fund: 'This permanent revolving fund is highly desirable since in some cases at least, the temptation of an outgoing board of supervisors to spend all the funds available has proven too great and the incoming board has been left in the lurch.'"

"He commends the new tax system for making effective the new school law and showing to the taxpayers the close relation between their pockets and the persons whom they elect to office. He says, however, that the law may be improved by a few minor amendments in order to adjust further the financial relations between the territory and the city and county."

**Other Recommendations**  
"He also declares that laws relating to insurance companies require amendment to the effect that tax on gross income from risks in the city and county be paid to the city and county. He recommends remodeling of the system of auditing of the municipal government with the view of the introduction of business methods and if necessary to create a department of audit and statistics."

"He comes out strongly for the passage of a workmen's compensation act."



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SOOTHING SYRUP**  
An Old and Well Tried Remedy  
For Infants and Children  
For Colic, Wind, and all the  
Painful Affections of the  
Stomach and Bowels.  
It is the best remedy for  
all the above ailments, and  
is sold by all druggists.  
Beware of cheap imitations.  
Beware of cheap imitations.  
Beware of cheap imitations.

He gives his favor to road and street improvements by the frontage tax plan.

"He cites the pressing need of extensions and improvements in the water works to reduce the cost of operation, afford greater protection from fire and reduce insurance rates. He says there is even greater need of extension of the sewer system for sanitary reasons. He points out that under the transfer of revenues of the departments are designated for certain purposes and urges an amendment to place the water and sewer works on an independent and self-sustaining basis."

"He urges the early building of a suitable city hall. He would have inspection of fish, meat, cattle, dairies, building, plumbing, house sewers, restaurants and laundries placed under city control."

"He contends that the city and county should have a hospital of its own with accessories for the scientific investigation of infectious and other diseases. He points out that the city is now paying \$30,000 annually for hospital bills. He recommends that the legislature provide \$120,000 out of the loan fund for the securing of a site and erection of a city hospital."

#### All Officers of This Company Are Re-Elected At Annual Meeting

All the officers of the Waialua Sugar Company were re-elected at the annual meeting of that company, held here yesterday morning. They are as follows: M. P. Robinson, president; E. P. Bishop, vice-president; George H. Robinson, treasurer; R. Ivers, secretary; C. H. Cooke, director; H. Glass, auditor.

Wet weather has delayed to some extent the handling of the 1915 crop, according to the report of Manager H. J. Paulson, which was submitted at the meeting. The plantation, however, is in an excellent condition, he stated, and work is progressing in a most satisfactory manner. The 1914 crop, amounting to 16,000 tons, was 600 tons in excess of the estimate brought on because of improvements in the mill and boiling house. This year the crop is estimated at 17,250 tons. The net profit made by the company last year was \$378,929.37.

#### One Inning Enough To Convince Maui That Harbold's Pets Are Some Ball Team

One inning, the first, brought about the defeat of the All-Maui at the ball park yesterday afternoon in their game with the Twenty-fifth Infantry, the count being 8 to 1 in favor of the men who tote a gun for Uncle Sam.

First up in the round, poked a long two-bagger into left field. Following this came hits by Cross, Grafton and Willis. Sandwiched in were four stolen bases, three errors and a passed ball, and with the retiring of the side six soldiers had crossed the plate. In the sixth a couple of hits gave the Twenty-fifth another run, and an error, a pass and another hit gave them one more in the ninth.

Three bingles, with a bit of shadow baseball on the part of the soldier lads, gave the Maui a chance to score a run over the rubber and thus escape a shut-out.

Following is the score:

25th Inf.	ABR	RHS	PO	A	E
Gollish, 2b	2	1	2	1	2
Cross, c	3	1	2	5	0
Switzer, 1b	1	0	0	0	0
Grafton, lf	3	1	1	0	0
Willis, 3b	4	2	2	2	0
Amos, lb	3	0	0	1	0
O. Johnson, rf	3	1	1	4	1
Parker, c	3	0	1	0	0
Smith, s	3	1	0	1	6
Waterhouse, p	3	1	0	0	1
Jasper, p	1	0	0	0	1

Totals: 25th Inf. 35 8 8 27 11 2  
All-Maui 25 3 0 2 0 0 0  
Carroll, 2b 3 0 2 0 0 0  
Cariera, r. f. 3 0 1 0 0 1  
H. Baldwin, lf 3 0 1 0 12 0  
P. Robinson, s 3 1 0 0 1 2 4  
Bal. p. c. 3 0 0 0 0 5 3 1  
A. Robinson, lf 3 0 0 0 1 0 0  
Cockett, lf 3 0 0 0 1 2 0 6  
Schultz, lf 3 0 0 0 0 0 0 0  
E. Baldwin, lf 3 0 0 0 3 0 0 0  
Nakamura, 3b 3 0 0 0 0 0 1 1  
Okiama, 3b 3 0 0 0 0 2 1 1  
Puana, c 3 0 0 0 0 0 0 0 1  
Myer, p 3 0 0 0 0 0 0 0 2 0

Totals: 25th Inf. 35 8 8 27 11 2  
Hits and runs by innings:  
Twenty-fifth Inf. 6 0 0 0 1 0 0 1—8  
Base hits 4 0 0 0 0 2 1 0—8  
All-Maui 25 3 0 0 0 0 1 0 0—1  
Base hits 3 0 0 0 0 1 0 3 0—15  
Summary: Innings pitched—By Bal. 1, by Myer 8, by Waterhouse 6, by Jasper 3. Runs—Off Bal. 6, off Myer 4, off Waterhouse 1, off Jasper 4. Two-base hits—Gollish, 2; Smith, 1; Johnson, 1; Amos, 1; Robinson to Hal to Okiama. Balk—Waterhouse. Bases on balls—Off Bal. 1, off Myer 3, off Waterhouse 5, off Jasper 1. Struck out—By Myer 5, by Waterhouse 5, by Jasper 2. Wild pitches—Myer 2. Passed balls—Puana, 1. Umpire—Stanton. Time of game—One hour fifty minutes.

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WEST POINT, February 24.—(Associated Press by Federal Wireless)—The army baseball squad began its spring training yesterday, a strong organization turning out for the preliminary work. During the season the team will play a series of twenty-one games. Their first game with the navy team is scheduled here for May 29.  
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## House Proceedings

**Bills Introduced**  
H. B. 75.—To regulate the adoption of Minors.—Cooke.  
H. B. 76.—Relating to the salaries of Kauai County officials.—Lota.  
H. B. 77.—Relating to the civil service of the police and fire departments of Honolulu.—Lyman.  
H. B. 78.—Relating to the civil service of the Territorial board of health.—Lyman.  
H. B. 79.—Relating to holidays.—Makela.

H. B. 80.—Registration, identification, use and operation of motor cars.—Viola.  
H. B. 81.—Relating to the desertion of husband and wife.—Kula.  
H. B. 82.—Declaring government lot, Mianaka street, a site for territorial marketing division.—Isenberg.  
H. B. 83.—To reimburse H. Kishi.—Cooke.

#### Passed Second Reading

H. B. 31.—To appoint a commission to examine into the artesian water system of the Territory.—Viola.  
H. B. 1.—Appropriating money to defray the expenses of the regular sessions of the senate, 1915.—Rice.

#### Bills Referred To Committees

H. B. 62.—Relating to the storage of gunpowder.—Lyman, Military.  
H. B. 63.—Relating to the storage of liquid explosives.—Lyman, Military.  
H. B. 64.—Relating to the general powers, liabilities and limitations of counties.—Lyman, Military.  
H. B. 65.—Repealing frontage tax law.—Kupihua, County.  
H. B. 66.—Relating to notice of foreclosure of mortgages under power of sale.—Ain, Judiciary.  
H. B. 67.—Prescribing the tenure of office and manner of election of the supervisors of the County of Maui.—Goodness, County.

#### H. B. 68.—Relating to circuit court receipts and expenses.—E. J. Crawford, Judiciary.

H. B. 69.—Providing assistance for discharge prisoners.—E. J. Crawford, Health and Police.

H. B. 70.—To prohibit the operation of aerial plane, balloon and other aircraft in the Territory of Hawaii, with certain restrictions.—Makela, Health and Police.

H. B. 71.—Relating to public shows.—Fernandez, Health and Police.

H. B. 72.—Relating to the payment of the expenses of the several district courts.—Crockett, County.

H. B. 73.—To provide for the operation and maintenance of Kalapapa store.—Lyman, Health and Police.

H. B. 74.—Relating to labor on Sunday.—Makela, Health and Police.

#### Petitions Offered

No. 2.—From James Turner, asking for investigation of Hilo Electric Light Company in regard to alleged violation of law in restriction of trade.—Makela.

#### Standing Committee Reports

No. 5.—Printing committee returning H. B. Nos. 62 to 74 inclusive, as printed.  
No. 6.—Agriculture committee, recommending passage of H. B. 31 with amendment. Adopted.

#### Third Reading Today

H. B. 31.—To appoint a commission to examine into the artesian water system of the Territory.—Viola.

#### Bills Introduced

H. B. 84.—Regarding banking houses, trust companies, safe deposit companies or any other companies to disclose the property of any deceased persons to any of his or her heirs and representatives.—W. H. Crawford.  
H. B. 85.—To prohibit the collection of wages by employer from laborers for personal taxes.—W. H. Crawford.  
H. B. 86.—Requiring a holder of a license to keep a hotel to keep a register of guests, and that such register be open to public inspection.—Garcia.  
H. B. 87.—Providing for the appointment of deputies by the city clerk of Honolulu.—E. J. Crawford.  
H. B. 88.—For the protection of female females.—E. J. Crawford.  
H. B. 89.—To repeal the law which protects fish known as top minnows.—E. J. Crawford.

#### H. B. 90.—To repeal law prohibiting the taking of nehu and iao with nets longer than twelve feet in the waters of the Territory.—E. J. Crawford.

#### Third Reading Deferred

H. B. 31.—To appoint a commission to examine into the artesian water system of the Territory and to report.—Viola. Deferred to March 2.

#### Signed By The Governor

Act 1.—Appropriating \$25,000 for session expenses of House. H. B. 1.—Watkins.  
Act 2.—Relating to the signing and execution of bonds of the Territory. H. B. 2.—Watkins.

#### Act 3.—Appropriating money to defray the expenses of the regular session, 1915. S. B. 1.—Rice.

#### Bills Referred To Committees

H. B. 58.—Amending act to enable any county or city and county to issue bonds.—Garcia, County.  
H. B. 59.—Providing appropriation of \$20,000 for hospital for Hanalei and Kawaihau districts, Kauai.—Lota, Finance.  
H. B. 60.—Relating to access to any landing pier, wharves or shed.—Lota, Judiciary.

H. B. 61.—Providing for fixed salaries for deputy offices of Maui County.—Crockett, County.

#### Standing Committee Reports

No. 7.—Printing committee, notifying that H. B. Nos. 1 and 3 had been presented to Governor for signature.  
No. 8.—Printing committee, returning H. B. Nos. 58, 59, 60 and 61, as printed.

#### Communications

From the Senate, notifying passage in third reading of H. B. No. 1 and 3; secretary of the Territory, that Governor had signed H. B. Nos. 1 and 3, and S. B. No. 1, as Acts 1, 2 and 3, respectively.

#### Chief Justice Slaps Representatives On Honorable Wrist

Alexander G. M. Robertson, chief justice of the territorial supreme court, slapped the House of Representatives on the wrist yesterday. The slap was more than the usually half-timorous lady-like castigation generally thought to be connected with the administration of punishment on the "wrist."

The House has been asking all territorial departments for lists of employees, their salaries and the appropriation under which the salaries are paid from. The letter to the chief justice was couched in the same language as those sent to heads of department possessed of less judicial power and authority.

Speaker Holstein and the other members sat up when Chief Justice Robertson's rebuke was read and they took notice.

"It's hard to explain such matters," said the speaker yesterday. "Judge Robertson now refuses us for doing just what the late chief justice, General Hartwell, at one time chided us for not doing. It is really hard to understand the way of the world, the devil and the flesh."

Chief Justice Robertson's letter, which is self-explanatory, follows: "Your letters dated the 20th instant were received today. In one of them you say that the furnishing of the list mentioned in your letter of the 17th instant was intended to be merely discretionary and not mandatory. The language should have been better chosen then."

"In the administration of his office the chief justice is not required to take orders from the house of representatives. On the other hand the chief justice will always be glad to supply any information concerning the department which the legislature desires to have and when the request thereof is respectfully expressed."

Enclosed herewith is a statement of the matters enumerated in your letter of the 17th and as it contains the names of the employees of the supreme court I take it to cover the request of your second letter of the 20th. The making of copies for each member of the House may more appropriately be done by an employee of the House than by this department."

## Senate Proceedings

**Bills Introduced**  
S. B. 14.—To amend Act 154, S. L. 1913, limiting expenses of Panama-Pacific exposition commissioners to \$3000 and requiring vouchers.—Coke.  
S. B. 15.—Appropriating \$20,000 for session expenses.—Watkins.  
S. B. 16.—In relation to the signing and execution of bonds of the Territory.—Watkins.

#### Referred to Committees

Complaint concerning Honnapo wharf.—Public Lands.  
S. B. 2.—Appropriating \$30,000 for entertainment of senators and members of congress and other distinguished visitors.—Watkins, Judiciary.

S. B. 4.—Creating the department of the comptroller.—Deha, Judiciary.

S. B. 7.—Prescribing powers and duties of the chairman and executive officer of the board of supervisors of the County of Hawaii.—Deha, Hawaii members.

S. B. 8.—Creating small debtors' courts.—Jaeken, Judiciary.

S. B. 9.—Establishing minimum wage of \$1.50 per diem for laborers on public works on Kauai.—Mikale, Kauai members.

S. B. 10.—Appropriating \$1500 per month for Queen Liliuokalani.—Deha, Ways and Means.

S. B. 11.—Extending the use of the power of eminent domain to electric light and power companies.—Quinn, Judiciary.

S. B. 12.—Extending the Hawaiian Electric Company's franchise to include the Island of Oahu.—Quinn, Oahu members.

S. B. 13.—Providing for teaching of Hawaiian language in public schools on petition of parents.—Baker, Judiciary.

**Standing Committee Reports**  
Printing, reporting printing of senate bills 1, 7, 8, 9, 10, 11, 12, 13, and governor's message 2.

Judiciary, recommending reference of complaint concerning Honnapo wharf to public lands committee.—Adopted.

From the house, transmitting House Concurrent Resolution 4, inviting congressmen to visit Hawaii.

#### Passed Third Reading

H. B. 2.—Appropriating \$30,000 for entertainment of senators and members of congress and other distinguished visitors.—Watkins.

#### Senate Bills Signed By Governor

S. B. 1.—Appropriating \$23,000 for the expenses of the regular session of the senate, 1915.—Rice. Act 3.

#### Referred to Committees

S. B. 14.—Limiting Hawaii's World's fair commissioners to \$3000 for traveling and living expenses.—Coke. Promotion committee.

S. B. 15.—Providing for teaching of Hawaiian language in public schools.—Baker, Education committee.

**Standing Committee Reports**  
Printing committee, reporting S. B. 14 printed.

Judiciary, correcting title of H. B. 2.

Judiciary, amending H. C. R. 4, using words "distinguished visitors" instead of "public officers." Adopted.

Accounts, amending S. B. 3, specifying compensation for compiling senate journal. Adopted.

Accounts, amending senate salaries resolution, raising chaplain from \$150 to \$200. Adopted.

Accounts, amending resolution on tenders for printing senate journal, deferring provision for pay for proof reading. Adopted.

Judiciary, correcting S. B. 13. Adopted.

#### Communications

From territorial secretary, announcing signing by Governor of H. B. 1 and S. B. 1 as Acts 1, 2 and 3 respectively.

## MRS. KNIGHT CHALLENGES JUDGE WHITNEY'S JURISDICTION IN CASE

### Claims That Mrs. Whitney's Acceptance of Thompson's Offer Disqualifies Husband

(Continued from Page Five.)

the third will, under which Mr. Smart can claim the whole estate, but her instructions to us are to throw all our help to Mr. Olson, who, as 'next friend' for Richard, is claiming that all three wills purporting to have been made by Mrs. Smart, including the second will, are invalid or cancelled, and therefore that Mrs. Smart died intestate, in which event practically her whole estate goes to Richard as her sole heir-at-law.

#### Real Fight Now On

"In my opinion," said Mr. Kinney, "the real fight is going to develop along those lines, between the third will and total intestacy, with a very good chance that the third will will be wholly defeated and intestacy established."

"We merely claim for Mrs. Knight that if any of the wills are good it is clearly the second will, but have no quarrel with Mr. Olson that none of them are good, and we are supplying him with all evidence in our possession supporting his contention. Under the second will Richard gets two-thirds of the estate, not in the shape of a 'dubious request' to that effect, but out and out in good, plain English, and Mrs. Knight gets what she has been offering to Mr. Smart for a compromise, but he evidently thinks that he can get it all, anyhow, under the third will, without having to provide for the boy or consider Mrs. Knight."

#### Suggestion of Disqualification

The suggestion of disqualification of judge and request for recusal and transfer of cases, which is addressed to the presiding judge at chambers, is as follows:

"Now come Elizabeth J. Knight, by her attorneys, W. A. Kinney and Frank Prosser, Anderson & Marx, and Richard Smart, a minor, by Clarence H. Olson, his next friend, and respectfully represent that the following matters were judged judicially before the Hon. W. L. Whitney, second judge of this court, and presiding judge at chambers, on the fourth day of February, 1915, to-wit:

"The petition of Clarence H. Olson as next friend of Richard Smart, a minor, for the issuance of letters of administration in the matter of the estate of Annie T. K. Parker, deceased, filed in this court on the eleventh day of January, 1915, and the petition of Henry Gaillard Smart for probate of an instrument alleged to be the last will and testament of the said Annie T. K. Parker Smart, filed in this court on the twelfth day of January, A. D. 1915.

#### Three Petitions Already Filed

That since said February 4, 1915, said Hon. W. L. Whitney, as presiding judge at chambers, has acquired jurisdiction over the petition of said Elizabeth J. Knight, filed in this court on the twenty-third day of February, 1915, for probate of another instrument alleged to be the last will and testament of the said Annie T. K. Parker Smart, deceased; that all three of said petitions and matters are now pending before said Hon. W. L. Whitney, said judge at chambers, and in the matter of said petition for administration the said Clarence H. Olson was appointed next friend of said Richard Smart, a minor, on the eleventh day of January, 1915, and ever since said date has been and now is acting as said next friend, and that in said capacity he appeared in the above entitled matter on the nineteenth day of January, 1915, and prayed that Antonio Perry be removed guardian ad litem of said Richard Smart herein, and that he, said Clarence H. Olson, might be appointed as guardian ad litem of said Richard Smart herein and that his said petition was argued before said Hon. W. L. Whitney and was submitted to said Hon. W. L. Whitney the twenty-eighth day of January, 1915, and is now pending and undetermined before said Hon. W. L. Whitney as said judge at chambers, on the thirtieth day of January, 1915, said Elizabeth J. Knight appeared herein and prayed that said Antonio Perry be removed as said guardian ad litem, and that her said petition is now pending and undetermined before said Hon. W. L. Whitney as said judge.

#### Story of Negotiations

"That thereafter, but before the fourth day of February, 1915, negotiations between said Henry Gaillard Smart and said Elizabeth J. Knight were in progress, with the view to a settlement of the proposed contest of the probate of said purported will on said deceased hereinbefore first mentioned, and as a part of the proposal for such compromise it was proposed that said Richard Smart should be placed in the custody of some third person until he should attain the age of sixteen years, and said parties were considering persons who might be appropriate as such custodian; that on or about the fourth day of February, A. D. 1915, without the knowledge or consent of your petitioners, or either of them, the wife of the said Hon. W. L. Whitney was offered by the said Henry Gaillard Smart his nomination for the custodianship of said Richard Smart, said custodianship to continue for a long term of years, to-wit, until said minor became sixteen years of age, and that said Mrs. W. L. Whitney then and thereupon accepted said nomination, with the knowledge and consent of said Hon. W. L. Whitney, and that in and by said nomination and selection for custodian the said Mrs. W. L. Whitney acquired an appointment of monetary and other profit, subject only to be defeated by the refusal of said Elizabeth J. Knight to consent thereto and the failure of said court to ratify and confirm said nomination. Wherefore petitioners charge that the said Hon. W. L. Whitney became disqualified by law from taking judicial action and deprived of all jurisdiction herein and in any and all of said proceedings pending before him as aforesaid."

"Wherefore petitioners pray that said judge do recuse and refuse to sit herein and in any of said matters pending in this court as aforesaid, and that this proceeding and all of said proceedings be forthwith transferred to the remaining judge of this court having charge of civil matters, to-wit, the Hon. Thomas B. Stuart."

"The foregoing petition is based upon the record herein and upon the records in all the above mentioned proceedings and of the affidavits of W. A. Kinney, hereto attached and made a part hereof."

Attorney W. A. Kinney's affidavit follows:

"W. A. Kinney, being first duly sworn, deposes and says: That he is one of the attorneys of Elizabeth J. Knight, retained in all matters affecting the custody of Richard Smart, the son of Annie T. K. Parker Smart, deceased, whose estate is before this court for settlement and in all matters affecting such settlement. That prior to and on the 4th day of February, 1915, negotiations between Henry Gaillard Smart and said Elizabeth J. Knight were in progress with the view to a settlement of the proposed contest of the probate of said purported will on said deceased hereinbefore first mentioned, and as a part of the proposal for such compromise it was proposed that said Richard Smart should be placed in the custody of some third person until he should attain the age of sixteen years, and said parties were considering persons who might be appropriate as such custodian; that on or about the fourth day of February, A. D. 1915, without the knowledge or consent of your petitioners, or either of them, the wife of the said Hon. W. L. Whitney was offered by the said Henry Gaillard Smart his nomination for the custodianship of said Richard Smart, said custodianship to continue for a long term of years, to-wit, until said minor became sixteen years of age, and that said Mrs. W. L. Whitney then and thereupon accepted said nomination, with the knowledge and consent of said Hon. W. L. Whitney, and that in and by said nomination and selection for custodian the said Mrs. W. L. Whitney acquired an appointment of monetary and other profit, subject only to be defeated by the refusal of said Elizabeth J. Knight to consent thereto and the failure of said court to ratify and confirm said nomination. Wherefore petitioners charge that the said Hon. W. L. Whitney became disqualified by law from taking judicial action and deprived of all jurisdiction herein and in any and all of said proceedings pending before him as aforesaid."